

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application.

Claim 1 is amended for non-statutory reasons, to correct a typographical error.

The Office action rejects claims 1-20 under 35 U.S.C. 102(e) over Lin et al. (USPA 2001/0017615, hereinafter Lin). The applicant respectfully traverses this rejection.

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-9 depend, claims a remote control device that is arranged for enabling combination of a number of preset IR or RF code sets into a single code set for controlling the device to be controlled, and includes a selector for selection of an IR or RF preset code set and a further preset code set by a user, and an activator for creation of one or more links between an element of the preset IR or RF code set and an object key by the user after the selection, wherein the remote control device is configured to repeat the selection and creation for the further preset code set for controlling the device to be controlled until all object keys have been linked. Claim 10, upon which claims 11-15 depend, includes similar limitations, and the Office action relies upon the rejection of claim 1 to support the rejection of claim 10.

The Board of Patent Appeals and Interferences has consistently upheld the principle that the burden of establishing a prima facie case resides with the Office, and to meet this burden, the Examiner must specifically identify where each of the claimed elements is found in the prior art:

"there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). To meet [the] burden

of establishing a prima facie case of anticipation, the examiner must explain how the rejected claims are anticipated by pointing out where *all* of the specific limitations recited in the rejected claims are found in the prior art relied upon in the rejection." *Ex Parte Naoya Isoda*, Appeal No. 2005-2289, Application 10/064,508 (BPAI Opinion October 2005).

The Office action fails to identify a teaching in Lin that includes a selector for selection of an IR or RF preset code set and a further preset code set by a user, fails to identify a teaching in Lin that includes an activator for creation of one or more links between an element of the preset IR or RF code set and an object key by the user after the selection, and fails to identify a teaching in Lin that includes repeating the selection and creation for the further preset code set for controlling the device to be controlled.

The Office action asserts that Lin's paragraph [0040] teaches a selector for selection of an IR or RF preset code set and a further preset code set by a user, and an activator for creation of one or more links between an element of the preset IR or RF code set and an object key by the user after the selection:

"As to the macro button (M), it is a hot key to provide the macro function. When the macro button (M) is touched, a macro menu is selected, as shown in FIG. 4, which presents multiple macro keys. The macro menu may have several pages for providing a plurality of macro keys. By operating the previous page button 111 and the next page button 112, a desired page can be selected. An appropriate macro key in the page of the macro menu can be touched to execute a series of operations corresponding to multiple buttons almost simultaneously. However, the remote control codes corresponding to the buttons defined in a macro key are not transmitted at the same time. On the contrary, the remote control codes are sequentially transmitted and a delay is inserted between two of them, such that some electrical appliances can be properly powered on before receiving another remote code. The duration of delay can be programmed by the user. A detailed procedure to set the duration of the delay is given in FIG. 13." (Lin [0040].)

As can be seen in the above, Lin's paragraph [0040] does not address preset code sets, and does not address a selector for selection of a preset code set and a further preset code set by a user. There is no reference to preset code sets in this paragraph. As such, the reference paragraph also cannot be said to teach creation of one or more links between an element of the preset IR or RF code set and an object

key by the user after the selection of such a preset code set, as asserted in the Office action.

The Office action further asserts that Lin's paragraph [0035] teaches repeating the selection and creation for the further preset code set for controlling the device to be controlled:

"The touch-type screen 11 can be activated to display a main menu page by operating the basic button set 20, as shown in FIG. 2. The main menu page provides a macro button (M), an information button (i), a previous page button 111, a next page button 112, and multiple items for corresponding to various appliances to be controlled. Each of the buttons can be selected simply by touching thereon." (Lin [0035]).

As can be seen in the above, Lin's paragraph [0035] does not address a further preset code set, and cannot be said to teach repeating the selection and creation for the further preset code set for controlling the device, as asserted in the Office action.

Contrary to the Examiner's assertions, Lin specifically teaches that all keys of Lin's universal remote control device are linked to device codes by pointing the particular device's original remote control at the universal remote control device and activating the appropriate button on the original remote control (Lin, paragraphs [0043], [0044], and [0051]; FIGs. 11A, 11B, and 12). Lin does not teach the selection of multiple preset code sets and does not teach the linking of object keys to elements of the selected multiple preset code sets.

Claim 16, upon which claims 17-20 depend, claims a programmable remote control device comprising object keys and a memory for storing a number of preset IR or RF code sets, and program code for selection of a stored preset IR or RF code set and a further preset code for controlling a device to be controlled by a user, linking of an element of the preset IR or RF code set and an object key upon activation by the user, and repeating the selection and linking for the further preset code set until all object keys have been linked.

The Office action references Lin's paragraphs [0040] and [0035], cited above, for teaching all of the elements of claim 16. As noted above, these paragraphs do not address preset code sets, do not address selection of such preset code sets, and do not address repeating such selection for further code sets.

Because Lin does not teach the elements of each of the applicant's independent claims, and because the Office action fails to identify teachings in Lin corresponding to each of the elements of each of the applicant's independent claims, the applicant respectfully maintains that the rejection of claims 1-20 under 35 U.S.C. 102(e) over Lin is unfounded, per MPEP 2131, and should be withdrawn.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.
Reg. 41,508
804-493-0707

Please direct all correspondence to:

Yan Glickberg, Esq.
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9618
Fax: (914) 332-0615